

John A. V. Nicoletti
Nooshin Namazi
Kevin J.B. O'Malley
NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiffs
The Northern Assurance Company of America
and American Home Assurance Company
Wall Street Plaza
88 Pine Street, Seventh Floor
New York, New York 10005
(212) 220-3830

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
THE NORTHERN ASSURANCE COMPANY
OF AMERICA and AMERICAN HOME
ASSURANCE COMPANY,

08 CV 3289 (CSH) (AJP)

Plaintiffs,

- against -

LAFARGE NORTH AMERICA, INC. and
AMERICAN STEAMSHIP OWNERS MUTUAL
PROTECTION AND INDEMNITY
ASSOCIATION, INC.

Electronically Filed

Defendants.

-----X

NOTICE OF MOTION TO CONSOLIDATE

PLEASE TAKE NOTICE that, upon the attached Declaration of John A.V. Nicoletti and the exhibits thereto, upon the pleadings herein and upon the accompanying Memorandum of Law, Plaintiffs The Northern Assurance Company of America and American Home Assurance Company, by and through their undersigned attorneys, will move this Court, Charles S. Haight, U.S.D.J., United States District Court, 500 Pearl Street, Courtroom 17C, New York, New York 10007, on the 16th day of June 2008 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, consolidating this

action for all purposes with *American Steamship Owners Mutual Protection and Indemnity Association v. Lafarge North America, Inc.*, 06 CV 3123 (CSH).

Dated: May 16, 2008
New York, New York

NICOLETTI HORNIG & SWEENEY

Attorneys for Plaintiffs
The Northern Assurance Company of America
and American Home Assurance Company

By: /s John A. V. Nicoletti
John A. V. Nicoletti
Wall Street Plaza
88 Pine Street, Seventh Floor
New York, New York 10005
(212) 220-3830

To: Robert G. Clyne, Esq.
HILL, RIVKINS & HAYDEN
45 Broadway
New York, New York 10006
Attorneys for Lafarge North America, Inc.

John M. Woods, Esq.
THACHER PROFFITT & WOOD LLP
Two World Financial Center
New York, New York 10281
Attorneys for American Steamship Owners Mut. P&I Assoc., Inc.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

KEVIN I. BROWN, being duly sworn, deposes and says:


1. I am employed by the firm of NICOLETTI HORNIG & SWEENEY, attorneys for Plaintiffs. I am not a party to this action, am over 18 years of age and reside in Brooklyn, New York.

2. On **May 16, 2008**, I served a copy of the annexed **NOTICE OF MOTION TO CONSOLIDATE** upon the following:

HILL, RIVKINS & HAYDEN
45 Broadway
New York, New York 10006
Attorneys for Lafarge North America, Inc.

THACHER PROFITT & WOOD, LLP
Two World Financial Center
New York, New York 10281
Attorneys for American Steamship Owners Mut. P&I Assoc., Inc.

by leaving a true copy of the above-named document at the respective offices of the above-named law firms.



KEVIN I. BROWN

Sworn to before me this
16th day of May, 2008



Notary Public

VALERIE A. CLUNE
Notary Public, State of New York
No. 01CL4880479
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Dec. 15, 20 10